

ANGEL CORONA FELIPE RODRIGUEZ - VOLUME 1
December 15, 2010

CIVIL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

MARIA CRUZ MALDONADO,
INDIVIDUALLY and as
Representative of the
Estate of ULVALDO SOTO
MARTINEZ, DECEASED, and
as Next Friend and Natural Guardian
of JUSTIN SOTO-MALDONADO and
USVALDO SOTO-MALDONADO, Minors;
and GILBERTO SOTO MARTINEZ

VERSUS

NO. C582189
DIV. D

KIEWIT LOUISIANA CO.,
MASSMAN CONSTRUCTION CO.,
TRAYLOR BROS., INC., A
JOINT VENTURE d/b/a KIEWIT
MASSMAN TRAYLOR CONSTRUCTORS
a/k/a KMTC JV, GEC LOUISIANA
TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, PB AMERICAS, INC.,
f/k/a PARSONS, BRINCKERHOFF,
QUADE & DOUGLAS, INC., AS
PARTNER OF GEC LOUISIANA
TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, LPA GROUP, INCORPORATED,
AS PARTNER OF GEC LOUISIANA
TIMED MANAGERS, A JOINT VENTURE
PARTNERSHIP, ZURICH AMERICAN
INSURANCE COMPANY, THE STATE OF
LOUISIANA THROUGH THE DEPARTMENT
OF TRANSPORTATION AND DEVELOPMENT,
AND JL STEEL REINFORCING, LLC
- CROSS NOTICED WITH -

ANGEL CORONA FELIPE RODRIGUEZ - VOLUME 1
December 15, 2010

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION

4 GUADALUPE ARENAS VARGAS,
5 INDIVIDUALLY AND AS
6 REPRESENTATIVE OF THE ESTATE
7 OF MARTIN ANASTACIO REYES
8 OSUNA, DECEASED, AND AS NEXT
9 FRIEND OF ZAID MARTIN REYES
10 ARENAS; JUANA SYLVIA OZUNA GARCIA;
11 and MARTIN REYES ADAME

12 CIVIL ACTION
13 VERSUS NO. 4:09-CV-02521

14 KIEWIT LOUISIANA CO.,
15 MASSMAN CONSTRUCTION CO.,
16 and TRAYLOR BROS, INC.,
17 a Joint Venture d/b/a KIEWIT
18 MASSMAN TRAYLOR CONSTRUCTORS;
19 KIEWIT LOUISIANA CO; MASSMAN
20 CONSTRUCTION CO.; and
21 TRAYLOR BROS, INC.

22 VIDEOTAPED DEPOSITION OF ANGEL FELIPE
23 CORONA RODRIGUEZ, 605 MASTERSON PASS,
24 APARTMENT 227, AUSTIN, TEXAS 78753, TAKEN
25 IN THE OFFICES OF TAGGART, MORTON, LLC, 1100
POYDRAS STREET, THE ENERGY CENTRE, SUITE
2100, NEW ORLEANS, LOUISIANA 70163, ON THE
15TH DAY OF DECEMBER, 2010.

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1 there.

2 Q. There was a little yard there that
3 I think they called Con-Ex?

4 A. There was a little yard where we
5 were set up pre-tying cages, caps and
6 columns. I was right there.

7 Q. So that is generally the area
8 where you were when he called you on the
9 phone?

10 A. Yeah.

11 Q. Once he calls you, then what do
12 you and your crew do?

13 A. Well, the rest of the crew, they
14 was already off with the other project that
15 they was going on that day. We called it
16 the trumpets. It was the other crew that I
17 have, that they working on a different
18 project. They was waiting for them to get
19 out, come down and go home.

20 Q. So had Ulvaldo and Martin and
21 Samuel gone to the other crew while you were
22 waiting for the cables to be tied off, or
23 were they with you there at the Con-Ex?

24 A. Martin Reyes, Ulvaldo and Samuel,
25 they was on the column. The rest of the

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1 guys, it was my brother and Ulvaldo's
2 brother, I think, a cousin or something.
3 They was over in the yard.

4 Q. So when you got the phone call
5 from Caesar, where were Ulvaldo, Martin and
6 Samuel? Were they on the ring?

7 A. They was on the ring.

8 MR. HOEFER:

9 On the what?

10 THE WITNESS:

11 On the ring.

12 EXAMINATION BY MR. LYON:

13 Q. And would they have -- and they
14 would have been taken up to the ring with
15 the manlift, right?

16 A. Say it again.

17 Q. They would have been taken up to
18 the ring on the manlift?

19 A. Can you explain to me?

20 Q. Okay. How would Ulvaldo, Sam and
21 Martin get from the ground up to the ring?

22 A. From the manlift.

23 Q. Okay. Did they go up to the ring
24 before or after Caesar called you?

25 A. They was on the project the

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1 whole -- I mean, we left the cage around 1,
2 1:30, and they was there on top of the ring
3 the rest of the day.

4 Q. Okay. Now, once Caesar called
5 you, what did you do and where did you go?

6 A. When Caesar call me, I get my
7 phone and called Martin, Martin Reyes. They
8 have the cell phone. And I tell him that
9 they was ready. Ready to start unhook-up
10 the crane.

11 Q. And of course, these three men
12 knew how to unhook the crane, right?

13 A. Yes, correct.

14 Q. Tell me how did they get from the
15 ring up to where they were supposed to
16 unhook the crane?

17 A. We used some -- the -- there's a
18 harness and the lanyards, and we climbed
19 from the ring to the top of the column where
20 the cables are.

21 Q. And so Sammy and Ulvaldo and
22 Martin climbed up the cage?

23 A. Correct.

24 Q. When they get -- how far up the
25 cage did they have to go? To the very top?

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1 folks come down on the ring, do they then
2 wait for the manlift to take them back to
3 the ground?

4 A. Correct.

5 Q. Is there any standard length of
6 time that they wait for the manlift to come,
7 or is it just when it gets there, it gets
8 there?

9 A. No. If somebody be around, we
10 just call them and they come and pick us up.

11 Q. And how, typically, would you
12 communicate with the Kiewit people to tell
13 them that your crew wanted to come down from
14 the ring?

15 A. Well, if I am up there on the top
16 and there is nobody around, I call one of
17 the guys. Or if I am on the ground, just go
18 to one of those Kiewit guys and tell them
19 that they got to get my guys down.

20 Q. So, now, let's reset the stage
21 here.

22 You are about 3 or 400 feet away
23 from the column and cage, and something
24 draws your attention to something going on
25 over there. Tell us about that.

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1 A. I just hear screaming and yelling,
2 and I turned around. When I turned around,
3 I saw the cage, it looked like about halfway
4 from coming down. About halfway. We just
5 run to see what's going on.

6 Q. So you didn't see the cage when it
7 began to collapse, you saw it as it was in
8 the process of collapsing; is that right?

9 A. It was about halfway already.

10 Q. So then, where do you go? What do
11 you do?

12 A. I run, the first thing that I did
13 when I saw the two bodies. I was in shock.
14 And then everybody get together. I went to
15 see, check with Martin, and I think my
16 brother and a couple more guys, they was
17 already with Martin.

18 I went and checked with him to see
19 if he was alive, I checked on his neck and
20 there was not -- there was not a life.

21 Q. And then did you go check on
22 Ulvaldo?

23 A. Ulvaldo, when I turned around, his
24 brother, he was holding him, his head.

25 Q. Gilberto was holding him?

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1 Q. What did Felipe say?

2 A. He said, "I'm going to call Mike
3 and Jeff and we'll be there in a minute.
4 We'll be there soon."

5 Q. And, again, Mike is the Mike who
6 is sitting here with us today?

7 A. Yes.

8 Q. And who is Jeff?

9 A. Another boss.

10 Q. And so at some point in time then,
11 do Mike and Jeff arrive?

12 A. Excuse me?

13 Q. At some point in time after this
14 phone call, then, did Mike and/or Jeff
15 arrive on the scene?

16 A. At the job?

17 Q. Correct?

18 A. Yes.

19 Q. Do you think that man's name might
20 have been Jeff Meyers? If you are not sure,
21 that's fine.

22 So what did you do out there the
23 rest of the day after Jeff and Mike arrived?

24 A. I called my wife and I called
25 Martin's girlfriend. They were staying with

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1 me. Martin Reyes. I called Martin Reyes'
2 girlfriend.

3 Q. During the course of the day,
4 after you saw Gilberto hugging his brother,
5 did you see him at various points throughout
6 the afternoon and into the evening?

7 A. I don't understand.

8 Q. Okay. From the point in time when
9 you said you saw Gilberto holding his
10 brother until I think you said you were
11 there until 2 or 3 in the morning, did you
12 have the opportunity to see Gilberto again?

13 A. Get together with Gilberto?

14 Q. Not necessarily get together, but
15 just be able to see him?

16 A. Yeah, from what I can remember, he
17 was there for like two hours or three.
18 Until they took the body.

19 Q. Can you tell us what his emotional
20 state was that you observed during that
21 time?

22 MR. SWICK:

23 Object to the form of the
24 question.

25 THE WITNESS:

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REPORTER'S CERTIFICATE

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I, Cathy Renee' Powell, Certified
Court Reporter, do hereby certify that the
above-named witness, after having been first
duly sworn by me to testify to the truth,
did testify as hereinabove set forth;

That the testimony was reported by me
in shorthand and transcribed under my
personal direction and supervision, and is a
true and correct transcript, to the best of
my ability and understanding;

That I am not of counsel, not related
to counsel or parties hereto, and not in any
way interested in the outcome of this
matter.

CATHY RENEE' POWELL, CCR
Certified Court Reporter